



MEETING MINUTES
Planning & Zoning Commission
Tuesday, December 7, 2021, 6:00 PM
Public Meeting Room / Eagle Town Hall
200 Broadway, Eagle, CO 81631

This agenda and the meetings can be viewed at www.Townofeagle.org.

PUBLIC WIFI - TOEE – ((TOEEWireless))

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This was an in-person meeting with access for the public to attend virtually via Zoom.

REGULAR MEETING CALLED TO ORDER

Chair Hood called the meeting to order at 6:01 PM.

COMMISSIONERS PRESENT

Matt Hood, Bill Nutkins, Jesse Gregg,
Charlie Perkins, Robert Townsend

COMMISSIONERS ABSENT

Kyle Hoiland, Lani Webb, Keegan Winkeller

STAFF

Chad Phillips – Community Development Director
Dennis Wike – Town Engineer
Peyton Heitzman – Planner I
Nikki Davis - Administrative Tech II

APPROVAL OF MINUTES *Approval of minutes from the following meeting(s) of the Planning & Zoning Commission.*

1. Minutes dated November 16, 2021

The approval of the November 16th minutes was tabled to January 4th due to lack of a quorum at the start of the meeting (minimum of four voting members). Chair Hood and Commissioner Perkins both abstained since they were absent from that meeting. Commissioner Nutkins asked for clarification on one of his statements during the Eagle Sinclair Station hearing.

PUBLIC COMMENT *Citizens are invited to comment on any item not on the agenda subject to a public hearing. Please limit your comments to three (3) minutes per person. Those who are speaking are requested to state their name & address for the record.*

Public comment opened at 6:02 PM. There was no public comment.

PUBLIC HEARING

1. Project: Parking Fee In-Lieu Program
File #: LURA21-05
Applicant: Town of Eagle
Location: Town of Eagle
Staff Contact: Chad Phillips, Community Development Director/Town Planner
Request: For the Planning Commission to provide a recommendation to Town Council on the new Parking Fee In-Lieu Program.

Staff Presentation

Mr. Phillips noted that the current parking standards could inhibit redevelopment or new development on Broadway. In reviewing previous variance approvals, staff uncovered inconsistent application of regulations motivating the Town to initiate a new parking study. Mr. Phillips recapped the findings of the parking study, which built upon a 2017 report and a recent stakeholder group survey. The findings of the new study helped establish the proposed fee of \$23,100 per space along with a new subsection in the Town code for fee in-lieu. The fee will be implemented through the Town's fee schedule; a document adopted annually by Town Council.

Q & A

Commissioner Nutkins asked if this whole section is going to be revamped through Clarion's work and Mr. Phillips replied, that is not the intention.

Chair Hood questioned if the Town's standards require too much parking and if Clarion is assessing the amount of parking required. Mr. Phillips replied that Clarion will review this, however, parking standards will be a minor part of their scope of work.

Public Comment

Public comment opened at 6:10 PM.

Bryan Woods, 212 East Third Street – Mr. Woods believes the parking standards are too high noting that downtown parking only fills up on big event nights. Mr. Woods included that he believes the fee is too high as it relates to maintenance costs for the projected 10 years. Any obligation the Town puts on development is counterproductive to downtown revitalization and the \$23,100 fee per space will impact the cost of living downtown.

Mr. Phillips replied that modifying the proposed \$23,100 fee per space will be a Council decision since it has been removed from Title 4 and added to the fee schedule.

Commissioner Townsend supported the added option which allows a developer to build parking spaces on the Town's right-of-way. Mr. Wike replied this idea came from a recent work session and the Mayor had positive feedback on the proposed fee. Mr. Wike included that the high cost of land, especially downtown, helps offset this fee.

Chair Hood echoed that staff should review the number of parking spaces to ensure the requirement is not too restrictive. This program should be an aid to developers, not a barrier. Mr. Phillips agreed stating the Town is trying to provide another option for developers and possible hardships.

Public comment closed at 6:18 PM.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE THE CODE AMENDMENT TO CHAPTER 4.07, DEVELOPMENT STANDARDS, 4.07.140 PARKING STANDARDS OF THE TOWN OF EAGLE MUNICIPAL CODE, TITLE 4 – LAND USE AND DEVELOPMENT CODE TO IMPLEMENT THE TOWN OF EAGLE PARKING FEE IN-LIEU PROGRAM. THE MOTION WAS SECONDED BY COMMISSIONER ROBERT TOWNSEND AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

Chair Hood closed file LURA21-05.

PUBLIC HEARING

2. Project: 706 Chambers Avenue Special Use Permit
 File #: SU21-06
 Applicant: Dave Dantas Chambers 700 LLC
 Location: 706 Chambers Avenue
 Staff Contact: Peyton Heitzman, Planner I
 Request: Request for a Special Use Permit to change the use category of the second-floor residential units in the existing structure from *One single dwelling unit – accessory to a use permitted to Dwelling units above*.

Staff Presentation

Ms. Heitzman presented this file. The Commission heard and recommended approval for a similar application in the spring for Lot D, an adjacent property. In 2017, the undeveloped property received a Special Use Permit which allowed for the construction of a building with residential above commercial units with the exception of two ground floor residential units. The accessory residential units were required to maintain a 1:1 ratio with a commercial unit. Now, the applicant is requesting to reclassify the residential units upstairs from accessory residential to dwelling units above street level. This change would permit residential units to subdivide separate from the commercial units.

Ms. Heitzman reviewed the four conditions for obtaining a Special Use Permit. She noted that while this project is in substantial compliance with the conditions, there may be potential conflicts with a couple standards. The Comprehensive Plan (Comp Plan) states that residential in the commercial zone district should be reserved for workforce housing that directly supports onsite commercial. Staff believes that subdividing residential from commercial would diminish the onsite workforce housing classification as the units will likely house different tenants under individual ownership. Furthermore, there are concerns with incompatibility between residential and nearby commercial uses. There have been noise complaints from an outdoor kennel on an adjacent property. Staff has tried to address this with a condition of approval that requires the property owner to notify residents about the noise.

Staff recommended approval with a condition: that residents are advised they are choosing to live in a commercial zone district where additional noise can be generated.

Applicant Presentation

The applicant representative, Ashley Patriacca, was present on Zoom. Ms. Patriacca noted that their leasing documents address the higher level of noise compared to a residential area. Many of the existing tenants have experienced no problems and new tenants are made aware. As for the reclassification of Building D, Ms. Patriacca reiterated this request was approved for Building C. To comply with the Town's requirements in the past, the property owner constructed two accessory units in the lower level of Building C to meet accessibility standards. Ms. Patriacca added that the change in classification helps with financing these buildings.

Public Comment

Public comment opened at 6:30 PM. There was no public comment.

Discussion

Commissioner Gregg supported the request, commenting that the uses are established and compatible. Commissioner Gregg added that the Commission knew the nearby kennel would be loud, but it should not be a reason for denial. Commissioner Perkins agreed stating the change allows developers more flexibility.

Commissioner Nutkins expressed a different opinion, questioning if this reclassification would lead to an apartment complex in the commercial zone district. He argued that the intent was to create onsite employee housing and this application does not support that concept. The reclassification would enable developers to sell units individually, creating a risk for further increased rental rates. Chair Hood agreed stating this request does not meet the original standards of the 1:1 ratio. The change would not help workforce housing.

Chair Hood invited Dave Dantas, the applicant, to provide additional context to support the request. Mr. Dantas stated they are seeking the same rights as the approval for Building C. Additionally, contrary to previous staff's assessment, Mr. Dantas and his development team do not view the entire project as a whole because the lots have been subdivided. Ms. Patriacca argued they thought they were following the Town's standards by constructing two ground-floor accessible units in Building C. However, those units now make it difficult to comply with the 1:1 vertical model.

Mr. Phillips emphasized that when considering approval or denial of a Special Use Permit, staff's intent is to determine whether the requested use is permitted on the requested site. Mr. Phillips encouraged the Commission to return to the Comp Plan and Title 4 and to cite any policies or regulations that do not support this application.

MOTION: COMMISSIONER ROBERT TOWNSEND MOTIONED TO APPROVE FILE # SU21-06: REQUEST FOR A SPECIAL USE PERMIT TO CHANGE THE USE CATEGORY OF THE SECOND-FLOOR RESIDENTIAL UNITS IN THE EXISTING STRUCTURE FROM ONE SINGLE DWELLING UNIT – ACCESSORY TO A USE PERMITTED TO DWELLING UNITS ABOVE STREET LEVEL WITH THE FOLLOWING CONDITION OF APPROVAL:

- 1. THE COMMON INTEREST OWNERSHIP DECLARATION FOR THE PROPERTY SHALL INCLUDE AN ADVERTISEMENT THAT THE RESIDENTIAL UNITS ARE LOCATED IN A COMMERCIAL ZONE AND THAT RESIDENTS SHOULD ANTICIPATE THE NOISE GENERATED FROM COMMERCIAL USES IN THE AREA TO BE GREATER THAN THAT IN A RESIDENTIAL NEIGHBORHOOD.**

MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 3 IN FAVOR (TOWNSEND, PERKINS, GREGG) AND 2 OPPOSED (HOOD, NUTKINS).

Chair Hood closed file SU21-06.

BUSINESS ITEMS

1. Adoption of the 3-Mile Plan

Public comment opened at 6:54 PM. There was no public comment.

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO APPROVE RESOLUTION 04, SERIES 2021 "A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGLE, COLORADO, ADOPTING A THREE MILE PLAN FOR THE TOWN OF EAGLE, COLORADO." MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

Chair Hood closed Adoption of the 3-Mile Plan.

COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN COUNCIL UPDATE *Staff updated to the Planning & Zoning Commission on recent work, upcoming files, and decisions made by Town Council.*

1. Department and Council Update: December 7, 2021

Mr. Phillips included a brief update on the first Land Use and Development Code (LUDC) Update Committee meeting with Clarion. Mr. Phillips stated the intent was not to get into the details of the process but more simply, to review Clarion's code assessment report. To comply with Home Rule statutes, a Chair and Vice Chair will be selected though as an advisory group, the committee will not vote on any decisions. Furthermore, as the committee progresses, updates will be shared with both the Planning Commission and Council.

OPEN DISCUSSION

There is no Planning Commission meeting on December 21st. Instead, the next scheduled meeting will be January 4th.

ADJOURN

MOTION: COMMISSIONER BILL NUTKINS MOTIONED TO ADJOURN. THE MOTION WAS SECONDED BY COMMISSIONER JESSE GREGG AND PASSED WITH A VOTE OF 5 IN FAVOR (TOWNSEND, PERKINS, NUTKINS, HOOD, GREGG) AND 0 OPPOSED.

MEETING ADJOURNED AT 6:58 PM.

APPROVED:

DATE:

Matthew Hood

Matthew Hood (Jan 18, 2022 19:14 MST)

Matthew Hood, Chairman

Nikki Davis

Nikki Davis, Administrative Tech II

APPROVED PZ Minutes 2021 12-07

Final Audit Report

2022-01-19

Created:	2022-01-05
By:	Nikki Davis (nikki.davis@townofeagle.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAANrprJF3Q8g4rqghnmPRbXXUN1qQgexfw

"APPROVED PZ Minutes 2021 12-07" History

-  Document created by Nikki Davis (nikki.davis@townofeagle.org)
2022-01-05 - 7:21:51 PM GMT- IP address: 209.193.93.178
-  Document emailed to Matthew Hood (matthew.hood@townofeagle.org) for signature
2022-01-05 - 7:22:06 PM GMT
-  Email viewed by Matthew Hood (matthew.hood@townofeagle.org)
2022-01-19 - 2:14:36 AM GMT- IP address: 98.50.42.31
-  Document e-signed by Matthew Hood (matthew.hood@townofeagle.org)
Signature Date: 2022-01-19 - 2:14:59 AM GMT - Time Source: server- IP address: 98.50.42.31
-  Agreement completed.
2022-01-19 - 2:14:59 AM GMT